

THE ILLINOIS FREE TRADER.

moved to lay the land bill on the table, and take up the bill to repeal the sub-treasury. Carried, 23 to 22.

Mr. Calhoun then said the passage of this bill at the present time was either useless or wrong; the bank bill, if it received the president's signature, would supersede the provisions of the sub-treasury law, and would not then its repeal be useless? And if he should not sign the bank bill it would bring back the scenes of 1836, when the treasury was without law, and thus be wrong. It was indelicate too; for if the chief magistrate should not sign the bank bill, there would be no law for the treasury, and thus the alternative was forced upon him "to sign or not to sign." Too strong language could not be used in remonstrating against this monstrous and odious measure, and the indecent haste in which it was to be forced through. He moved to postpone the bill till next Saturday, and called for the ayes and noes.

Mr. Clay replied in a speech of considerable length, denying any such intention as had been imputed to him by Mr. Calhoun, and said the president had one very important question under consideration, and as this was also a matter of finance, it was highly important he should have both to act upon at the same time.

The motion to postpone was then voted down, 21 to 28—and the amendments of the house concurred in—25 to 23.

The land bill was then taken up, the question pending being the amendment of Mr. Young. This, after some debate, was voted down—18 to 27.

Mr. Young then offered an amendment for the repeal of the law providing that lands sold by the U. S. should be exempt from taxation by the states wherein they lie, for five years. Also lost—18 to 22.

Mr. Linn submitted an amendment providing that the proceeds of the public lands should be appropriated from time to time to a system of national defence. Without voting on this amendment the senate went into executive session.

House—The fortification bill was returned from the senate with amendments. The bill repealing the sub-treasury was returned from the senate and signed by the speaker of the house.

The bankrupt bill was then taken up in committee of the whole and debated during the remainder of the day.

August 12—*Senate*—Messrs. Tappan and Buchanan presented memorials against the leading measures of this "reform administration."

The resolution in relation to a number of new appointments in the land office, on motion of Mr. Smith, Ind., was taken up, amended, and adopted.

The land bill was then taken up, and the amendment proposed yesterday by Mr. Linn was voted down—18 to 28.

Mr. Sturgeon, in obedience to instructions from the legislature of Pennsylvania—though if his judgment had been left untrammelled by instructions he should have voted against the bill—said he desired to amend it, and in doing this he considered himself but as the agent of the legislature of Pennsylvania. He moved to strike out the first section, which proposes to give to the new states ten per cent. above the others, and he said he should follow it up by moving an amendment to the eighth section, by which the 500,000 acres are given to the new states.

Mr. Buchanan seconded the amendments, and said that unless they were adopted he should not consider himself bound to vote for the bill. He was instructed to advocate a distribution among the states in the ratio of the federal population according to the census of 1840; but if the bill passed in its present shape it would do no such thing.

The amendments of Mr. Sturgeon were voted down—11 to 35.

Mr. Archer then moved to strike out the latter part of the 9th section, providing that the gift of 500,000 acres to the new states should be applied to internal improvements, &c., and pending this motion the senate adjourned.

House—An effort was made to have the bankrupt bill taken out of the committee of the whole to-morrow, but failed.

The navy pension bill was returned from the senate with amendments, which were concurred in by the house.

The talk on the bankrupt bill was then resumed and continued until a quorum would hear no more of it on this day.

Chicago Market—Aug. 25—Winter wheat \$1.40; Spring wheat 50 a 60; Oats 25; Corn 34 a 37.

St. Louis Market—Aug. 19—Wheat 62½; Corn 25 a 30; Oats 25 a 30.

Selling off at Cost.

THOMAS RUSSELL having purchased the whole remaining stock of the late firm of **Hurlbut & Russell**, now offers the same for sale at cost, at retail or wholesale, for cash. The goods will remain at the former stand of the said late firm. Those wishing to purchase at a bargain will do well to call.

THOMAS RUSSELL.

Ottawa, Aug. 13, 1841. 12-4f.

20 Kegs No. 1 **WHITE LEAD**, just received per steam boat **La Salle**, and for sale low, by

WALKER & HICKLING.

Ottawa, June 11, 1841. 3-4f.

20 KEGS OF **NAULS**, just received and for sale by the subscriber, on **LaSalle** street. **D. NEWTON.**

Ottawa, June 4, 1841. 2-2-4f.



"We go for 'Tip & Tug' therefore, Without a why or a wherefore!"

(Tippecanoe Song.)

BANK VETO!

The New York New Era will please accept our thanks for furnishing us, in advance of his weekly publication, with the following highly important document:

MESSAGE

Of the President of the United States, transmitting, with his objections, the bill to incorporate the Fiscal Bank of the United States, August 16, 1841.

To the Senate of the United States:

The bill entitled "An act to incorporate the subscribers to the Fiscal Bank of the United States," which originated in the Senate, has been considered by me, with a sincere desire to conform my action in regard to it, to that of the two Houses of Congress. By the Constitution it is made my duty, either to approve the bill by signing it, or to return it with my objections to the House in which it originated. I cannot conscientiously give it my approval, and I proceed to discharge the duty required of me by the Constitution—to give my reasons for disapproving.

The power of Congress to create a National Bank to operate *per se* over the Union, has been a question of dispute from the origin of our government. Men most justly and deservedly esteemed for their high intellectual endowments, their virtue and their patriotism, have, in regard to it, entertained different and conflicting opinions. Congresses have differed. The approval of one President has been followed by the disapproval of another. The People at different times have acquiesced in decisions both for and against. The country has been and still is agitated by this unsettled question. I will suffice for me to say, that my own opinion has been uniformly proclaimed to be against the exercise of any such power by this Government. On all suitable occasions, during a period of twenty-five years, the opinions thus entertained have been unreservedly expressed. I declared it in the Legislature of my native State, in the House of Representatives of the United States it has been openly vindicated by me.

In the Senate Chamber, in the presence and hearing of many who are at this time members of that body, it has been affirmed and re-affirmed, in speeches and reports there made, and by votes there recorded. In popular assemblies I have unhesitatingly announced it; and the last public declaration which I made, and that but a short time before the late Presidential election, I referred to my previously expressed opinions as being those then entertained by me; with a full knowledge of the opinions thus entertained, and never conceded, I was elected by the people Vice President of the United States. By the occurrence of a contingency provided for by the Constitution, and arising under an impressive dispensation of Providence, I succeeded to the Presidential office. Before entering upon the duties of that office, I took an oath that I would "preserve, protect, and defend the Constitution of the United States."

Entertaining the opinions alluded to, and having taken this oath, the senate and the country will see that I could not give my sanction, to a measure of the character described, without surrendering all claim to the respect of honorable men—all confidence on the part of the people—all self-respect—all regard for moral and religious obligations; without an observance of which, no government can be prosperous, and no people can be happy. It would be to commit a crime which I would not wilfully commit to gain any earthly reward, and which would justly subject me to the ridicule and scorn of all virtuous men.

I deem it entirely unnecessary at this time to enter upon the reasons which have brought my mind to the convictions I feel and entertain on this subject. They have over and over again been repeated. If some of those who have preceded me in this high office have entertained and avowed different opinions, I yield all confidence that their convictions were sincere. I claim only to have the same measure meted out to myself.—Without going further into the argument, I will say that, in looking to the powers of this Government to collect, safely keep, and disburse the public revenue, and incidentally regulate the commerce and exchanges, I have not been able to satisfy myself that the establishment, by this Government, of a bank of discount, in the ordinary acceptance of that term, was a necessary means, or one demanded by propriety, to execute those powers. What can the local discounts of a bank have to do with the collecting, safe-keeping, and disbursing of the revenue?

So far as the mere discounting of paper is concerned, it is quite immaterial to this question, whether the discount is obtained at a State or a United States Bank.

They are both equally local—both beginning and both ending in a local accommodation. What influence have local discounts, granted by any form of banks, in the regulating of the currency

and the exchanges? Let the history of the late United States Bank, and us in answering this inquiry.

For several years after the establishment of that institution, it dealt almost exclusively in local discounts, and during that period the country was, for the most part, disappointed in the consequences anticipated from its incorporation. A uniform currency was not provided, exchanges were not regulated, and little or nothing was added to the circulation; and, in 1820, its embarrassments had become so great that the directors petitioned Congress to repeal that article of the charter which made its notes receivable every where in payment of public debts.

It had, up to that period, dealt but a very small extent in exchanges, either foreign or domestic; and as late as 1823, its operations in that line amounted to a little more than \$7,000,000 per annum; a very rapid augmentation soon after occurred, and in 1833, its dealings in the exchanges amounted to upwards of \$100,000,000, including the sales of its own drafts; and all these immense transactions were effected without the employment of extraordinary means. The currency of the country became sound, and the negotiations in the exchanges were carried on at the lowest possible rates.

The circulation was increased to more than \$22,000,000, and the notes of the bank were regarded as equal to specie all over the country; thus showing, almost conclusively, that it was their capacity to deal in exchanges, and not in local discounts, which furnished these facilities and advantages. It may be remembered, too, that notwithstanding the immense transactions of the bank in the purchase of exchange, the losses sustained were merely nominal; while in the time of discounts, the suspended debt was enormous, and found most disastrous to the bank and country. Its power of local discount has, in fact, proved to be a fruitful source of favoritism and corruption, alike destructive to the public morals and to the general weal.

The capital invested in banks of discount in the United States, created by the States, at this time exceeds \$350,000,000; and if the discounting of local paper could have produced any beneficial effects, the United States ought to possess the soundest currency in the world, but the reverse is lamentably the fact.

Is the measure now under consideration, of the objectionable character to which I have alluded? It is clearly so, unless by the 16th fundamental article of the 11th section it is made otherwise.—That article is in the following words:—

"The directors of the said corporation shall establish one competent office of discount and deposit in any state in which two thousand shares shall have been subscribed, or may be held, whenever, upon application of the Legislature of such State, Congress may, by law, require the same. And the said directors may also establish one or more competent offices of discount and deposit in any Territory or District of the United States, and in any State, with the assent of such State; and when established, the said office or offices shall be only withdrawn or removed by the said directors, prior to the expiration of this charter, with the previous assent of Congress."

"Provided, in respect to any State which shall not, at the first session of the Legislature thereof, held after the passage of this act, by resolution, or other usual legislative proceeding, unconditionally assent or dissent to the establishment of such office or offices within it, such assent of the said State shall be thereafter preserved; and provided, nevertheless, That whenever it shall become necessary and proper for carrying into execution any of the powers granted by the Constitution, to establish an office or offices in any of the States whatever, and the establishment thereof shall be directed by law, it shall be the duty of the said directors to establish such office or offices accordingly."

It will be seen that by this clause the Directors are invested with the fullest power to establish a branch in any State which has yielded its assent, and having once established such branch, it shall not afterwards be withdrawn, except by order of Congress. Such assent is to be implied, and to have the force and sanction of an actually expressed assent, "provided in respect to any State which shall not, at the first session of the Legislature thereof held after the passage of this act, by resolution or other usual legislative proceeding, unconditionally assent or dissent to the establishment of such office or offices within it, such assent of said State shall be thereafter presumed."

The assent or dissent is to be expressed unconditionally at the first session of the legislature by some formal legislative act; and if not so expressed, its assent is to be implied, and the directors are therefore invested with power, at such time thereafter as they may please to establish branches, which cannot afterwards be withdrawn, except by resolve of Congress—no matter what may be the cause which may operate with the Legislature, which either prevents it from speaking, or addresses itself to its wisdom to induce delay, its assent is to be implied—binding and indelible—it is the law giver of the master to the vassal, an unconditional answer is claimed forthwith, and delay, postponement, or incapacity to answer, pro-

duces an implied assent, which is ever after irrevocable.

Many of the State elections have already taken place, without any knowledge on the part of the people that such a question was to come up. The representatives may desire a submission of the question to their constituents preparatory to final action upon it, but this high privilege is denied; whatever may be the motives and views entertained by the representatives of the people to induce delay, their assent is to be presumed, and is ever afterwards binding, unless their assent shall be unconditionally expressed at their first session after the passage of this bill into a law.

They may by formal resolution declare the question of assent or dissent to be undecided and postponed, and yet, in opposition to their expressed declaration to the contrary, their assent is implied. Cases innumerable might be cited to manifest the irrationality of such an inference. Let one or two in addition, suffice—the popular branch of the Legislature may express the dissent by an unanimous vote, and its resolution may be defeated by the vote of the Senate; and yet the assent is implied. Both branches of the Legislature may concur in a resolution of decided dissent, and yet the Governor may exert the veto power conferred on him by the State Constitution, and the Legislative action be defeated; and yet the assent of the Legislature is implied, and the Directors of this contemplated institution are authorized to establish a branch or branches in such state, whenever they may find it conducive to the interest of the stockholders to do so; and having once established it, they can, under no circumstances, withdraw it, except by an Act of Congress.

The State may afterwards protest against any such unconstitutional inference—but its authority is gone. Its assent is implied by its failure or inability to act at its first session, and its voice can never afterwards be heard. To infer assent is to infer, and as they seem to me, irrational, I cannot yield my assent. No court of justice would or could sanction them, without reversing all that is established in judicial proceeding, by introducing presumptions at variance to the fact, and inferring the expense of reason. A state in a condition of distress would be presumed to speak, and an individual, manacled and imprisoned might be presumed to be in the enjoyment of freedom. Far better to say to the states boldly and frankly—Congress wills, and submission is demanded.

It may be said that the directors may not establish branches under such circumstances; but this is a question of power, and this bill invests them with full power to do so. If the Legislature of New York, or Pennsylvania, or any other state, should be found in such condition as I have supposed, could there be any security furnished against such a step on the part of the directors? Nay, is it not fairly to be presumed that this provision was introduced for the sole purpose of meeting the contingency referred to? Why else should it have been introduced?

And I would submit to the Senate whether it can be believed that any State would be likely to so quietly submit, under such a state of things, to a great measure of public interest their patronage may be successfully appealed to, but to infer their assent from circumstances at war with such inference, I cannot but regard it as calculated to excite a feeling at least equally with the peace and harmony of the country, I must therefore regard this clause as asserting the powers to be in Congress to establish offices of discount in a State, not only without its assent, but against its dissent, and as regarding it I cannot sanction it.

On general principles, the right in Congress to prescribe terms to any State, imposes superiority of power and control, and deprives the transaction of all pretence to compact between them, and terms as we have seen, in the total abrogation of freedom of action on the part of the States. But further, the State may express after the most solemn form of legislation, its dissent, which may from time to time thereafter, be repeated, in full view of its own interest, which can never be separated from the wise and benevolent operation of this government; and yet Congress may, by virtue of the last provision, override its law, and upon grounds which, to such State, will appear to rest on a conclusive necessity and propriety, and nothing more.

I regard the bill as asserting for Congress the right to incorporate a United States Bank, with power and right to establish offices of discount and deposits in the several States of the Union, with or without their assent, a principle to which I have already heretofore been opposed, and which can never obtain my sanction. And waving all other considerations growing out of its other provisions, I return it to the House in which it originated, with those my objections to its approval.

JOHN TYLER.

Washington, August 16, 1841.

RECEIVED.
MARRIED—At Hamilton, Ohio, on the 23d inst, by the Rev. A. W. Elliott, Mr. J. SMITH McKENNY, Printer, of Burlington, Iowa, to Miss SUSAN E. daughter of Judge O'Connor, of that place.

OBITUARY.
DIED—At the farm called "Barnum Hall," near Peru, in this county, on the 15th inst, Rev. JAMES WHITEHEAD, in the seventy-second year of his age.

For more than thirty years, Elder Whitehead had been a preacher of the Gospel, and during the last twenty years of his life, of the order called Christian. His whole life, from the period of his childhood, was one of "Godliness and Honesty."

Although much restricted in the means of early education, yet he was distinguished wherever known as a clear and able expounder of the Sacred Scriptures; still more, for his stable, mild, and uniform piety; his strict virtue and moral deportment, and his charitable and tolerant principles and disposition.

He was ardent in his affections of kindness towards his family and friends, and of sympathy in the afflictions of all. But all his affections were restrained and guided by great strength of mind and discriminating judgment; and few were those, indeed, who in proportion to the extent of his acquaintance, have been more universally respected and esteemed than Elder Whitehead.

[COMMENTS & ETC.]

School Books.

THE subscribers have received a consignment of "Sawyer's Elementary School Books," consisting of the Spelling Book, First and Second Reader, and Primer.

Teachers will be furnished with a copy of the above works gratuitously, as it is desired by the New York publishers to introduce them into the schools of this section of country.

WM. TRUE & SON.

Ottawa, Aug. 20, 1841. 13-4f.

Summer Goods.

JUST received at the store of the subscribers, 20 pieces Cotton Cassimeres, Pennsylvania Jeans, Summer Cloths, and other Goods for summer wear. And for sale at prices to suit the times, by July 16, L. P. & W. A. SANGER.

STATE OF ILLINOIS.

LA SALLE COUNTY.

LaSalle Circuit Court, to November Term, 1841.

Abraham Wixom Attachment.

vs.

Washington A. Halloway \$307.50

NOTICE is hereby given to the said Washington A. Halloway, that a writ of attachment, issued out of the clerk's office of the Circuit Court of LaSalle county, dated the 28th day of October, A.D. 1840, at the suit of Abraham Wixom against the estate of the said Washington A. Halloway, for the sum of ninety-seven dollars and fifty cents, directed to the sheriff of said county to execute, which said writ has been returned by said sheriff, served on Abraham Holderman and James N. Reeder, as garnishees; and that said suit is now pending before the said Circuit Court of LaSalle county, on the first Monday in November next, give special bail and plead to the said plaintiff's action, judgment will be entered against you by default in favor of the said plaintiff for the amount of his damages and costs of suit.

Ottawa, Ill., August 9th, 1841.

J. CLOUD, Clerk.

J. F. A. Hoots, Plaintiff's Attorney.

August 13. 4sw-12

Ottawa Chair Manufactory.

WARREN MOORE

WOULD respectfully inform his friends and the public in general, that he still carries on the above business on LaSalle street, three doors north of the printing office, in this place, where he always keeps on hand an assortment of finished chairs, such as *Carl Maple, Green*

Cane and Flag Seats of all descriptions, Boston Rocking Chairs, Windsor Chairs, Children Rocking Chairs, &c., together with Cradles, Seetees, &c.

All of which are made after the latest fashion, of the best material, and good workmanship.

The subscriber also, in connection with his Chair Manufactory, carries on the business of *Painting, Glazing and Paper Hanging.*

The public are respectfully invited to call and examine his chairs.

WARREN MOORE.

Ottawa, July 23, 1841. 9-4f.

STATE OF ILLINOIS.

La Salle County.

LaSalle Circuit Court, to November Term, 1841.

Benjamin Douglas Attachment.

vs.

Hezekiah Smith. \$133

NOTICE is hereby given to the said Hezekiah Smith, that a writ of attachment, issued out of the clerk's office of the Circuit Court of LaSalle county, dated the thirty first day of March, A.D. 1841, at the suit of Benjamin Douglas against the estate of the said Hezekiah Smith for the sum of one hundred and thirty three dollars, directed to the coroner of said county to execute, which said writ has been returned by said coroner, served on William Reddick, sheriff of LaSalle county as garnishee; and that said suit is now pending before the said Circuit Court of LaSalle county. Now unless you, the said Hezekiah Smith, shall personally be and appear before the said Circuit Court on the first day of the next term thereof, to be held at the court house in Ottawa, on the first Monday in November next, give special bail and plead to the said plaintiff's action, judgment will be entered against you by default in favor of the said plaintiff for the amount of his damages and costs of suit.

J. CLOUD, Clerk.

Ottawa, Ill., Aug. 9, 1841. 12-4sw

Champlin & Spring.

Plaintiff's Attorneys.

STATE OF ILLINOIS.

La Salle County.

LaSalle Circuit Court, to November term, 1841.

Samuel D. Davenport Attachment.

vs.

David N. Terleum. \$170.

NOTICE is hereby given to the said David N. Terleum, that a writ of attachment, issued out of the clerk's office of the circuit court of La Salle county, dated the thirtieth day of March, A.D. 1840, at the suit of Samuel D. Davenport, against the estate of the said David N. Terleum, for the sum of four hundred and seventy dollars, directed to the sheriff of said county to execute, which said writ has been returned by the said sheriff as levied on the undivided half of the north-east quarter of lot No. 2 in block No. 18, in the town of Ottawa; and that said suit is now pending before the said circuit court of La Salle county. Now, unless you, the said David N. Terleum, shall personally be and appear before the said circuit court, on the first day of the next term thereof, to be held at the court house in Ottawa, on the first Monday in November next, give special bail and plead to the said plaintiff's action, judgment will be entered against you by default in favor of the said plaintiff, and the estate attached will be sold to satisfy the same with costs.

J. CLOUD, Clerk.

Ottawa, Ill., Aug. 9, 1841. 14-4sw

J. F. A. Hoots, Plaintiff's Attorney.

Flour! Flour!

THE subscriber has on hand and will be constantly receiving fresh from the *Marselles Mills, FINE & SUPER FINE FLOUR*, which will be sold at manufacturer's prices for Cash only. Every barrel sold will be warranted fresh and sweet.

BENJ. THOMPSON.

Ottawa, Aug. 5, 1841. 1-4f.

Notice to Canal Contractors.

SEALED proposals will be received at the Canal Office, in Lockport, Will county, Illinois, until Monday, the 20th day of September next, for the construction of *Forty Six Sections* of the Illinois and Michigan Canal, lying between Dresden, at the Kankakee Bluffs, and Marseilles, at the Rapids of the Illinois River, together with all the mechanical work upon that part of the Canal.

The said sections are quite uniformly light work, consisting of earth excavation and embankment.

The mechanical work consists of three lift-locks—two at Marseilles and one at the An Sable river; one guard-lock at the same river; the masonry of an aqueduct across Nettle creek and stone Culverts; all of which are to be of cut stone masonry.

Also, a Dam across An Sable river; several Culverts and other structures which may be necessary upon the said line, a description of which can be seen at the office previous to the day of letting.

By order, of the Board of Commissioners, of the Illinois and Michigan Canal.

JOHN FRIERSON, C'k.

Lockport, August 2, 1841. 11-4f.

DRUG STORE.

G. L. Thompson

HAS just received at his Drug Store, on the east side of the Public Square in this place, his summer supply of *FINE DRUGS & MEDICINES*, embracing all articles in the line which the country demands.

Also—A variety of *Paints, Oils, Varnish, Turpentine, Glass, Putty, and Dye Stuffs*, together with a variety of other articles, too numerous to mention.

Also—A few *CHOICE WINES and LIQUORS*, selected expressly for medicinal purposes; Perfumeries, Confectionaries, Fruit, Segars and Tobacco of a good quality.

Also—Patent Medicines, the most popular of the day, among which are Doct. Jayne's Expectorant, Hair Tonic, Tonic Vermifuge, Carminative Balsam, and Sanative Pills; Doct's. Dole's and Thompson's Eye Water; Moffitt's Placenta Bitters and Pills, Rowland's Tonic Mixture; Balm of Columbia; Carpenter's Fluid Extract Sarsaparilla; Hays' Linnament for Piles; Nerve and Bone Linnament; Bateman's Drops; Godfrey's Cordial; Farnbrook's Vermifuge; Morrison's Pills of the British College of Health; Lee's, Plinck's, Elmore's, Hooper's, Brandell's, Doct. Champion's and Boardman's Fever and Ague Pills.

The public are respectfully requested to call and see.

Ottawa, June 11, 1841. 2-3-4f.

Bonnets! Bonnets!!

THE subscribers have just received a large lot of *Leghorn, Straw, and Palm Leaf Bonnets*, including some very pretty styles for children, all of which they will sell at prices *very much lower* than they have ever been sold in this place.

WM. TRUE & SON.

Ottawa, July 2, 1841. 6-4f.

STATE OF ILLINOIS.

La Salle County.

LaSalle Circuit Court, to November Term, 1841.

Salmon Rutherford Attachment.

vs.

Gilbert Fuller. \$133.28